

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:19-cr-000199-JAD-DJA

Plaintiff

**Order Denying Motion for
Sentence Reduction**

v.

Jose Alfredo Molina Gurrero,

[ECF No. 49]

Defendant

Pro se defendant Jose Alfredo Molina Gurrero pled guilty to conspiracy to distribute heroin and methamphetamine, and possession of heroin and methamphetamine with intent to distribute.¹ In August of this year, I sentenced him to serve 76 months in prison.² Molina Guerrero now moves for a sentence reduction under 18 U.S.C. § 3582(c), arguing that Amendment 782 to the United States Sentencing Guidelines mandates a two-level reduction of some base offense levels for drug crimes.³

While a court may consider reducing a sentence that is affected by a later change in the sentencing range that applied to the defendant, § 3582(c) requires that amendment to have taken effect *after* the court imposed the defendant's sentence for it to qualify as a basis for reconsideration.⁴ Amendment 782 took effect six years before I sentenced Molina Guerrero.⁵ Because I already considered this amendment in determining his sentence, I deny his motion.

¹ ECF No. 48 (judgment).


² *Id.*

³ ECF No. 49 (motion for sentence reduction).

⁴ See 18 U.S.C. § 3582 (2) (permitting reduction when a sentencing range “has *subsequently* been lowered by the Sentencing Commission”).

⁵ U.S.S.G. § 1B1.10, supp. app’x. C, amend 782 (2014).

1 IT IS THEREFORE ORDERED that defendant Molina Gurrero's motion for sentence
2 reduction [ECF No. 49] is **DENIED**.

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U.S. District Judge Jennifer A. Dorsey
October 1, 2020